



ARIZONA HOUSE OF REPRESENTATIVES

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First Regular Session

Senate: GOV DPA 8-0-0-0 | 3rd Read 30-0-0-0

House: GE DPA 13-0-0-0 | 3rd Read 59-0-1-0

SB 1299: incorporation; urbanized areas (Substituted for HB 2526)

Sponsor: Senator Shope, LD 8

Transmitted to the Governor

Overview

Modifies statute relating to what petitioners must do prior to obtaining signatures for a proposed incorporation.

History

Current law stipulates that when two-thirds of the qualified electors residing in a community that has a population of 1,500 or more inhabitants petition the board of supervisors (board) and do the following, by an order entered of record, the community is declared incorporated as a city or town:

- 1) Set forth the metes and bounds of the community;
- 2) Declare the name under which the petitioners desire to be incorporated;
- 3) Pray for the incorporation of the community into a city or town; and
- 4) The board is satisfied that two-thirds of the qualified electors residing in the community have signed the petition.

When 10 percent of the qualified electors residing in a community that has a population of 1,500 or more people petition the board in the manner prescribed above, praying for the calling of an election, the board must call the election within 60 days after filing the petition. The election must take place on a date prescribed by statute but no more than 180 days after the petition is filed except that an election may not be called within 12 months after the date of a previous election for incorporation of substantially the same territory ([A.R.S. § 9-101](#)).

Provisions

1. Specifies that when the map and petition, complete with signatures, are filed with the board, the board must call the election. (Sec. 1)
2. Requires the map and petition to be filed simultaneously or within 24 hours of each other. (Sec. 1)
3. Stipulates that before obtaining signatures, the petitioners must do the following:
 - a) Publish a copy of the petition in a newspaper of general circulation in the area to be affected for two consecutive weeks;
 - i. Specifies that this petition must set forth the metes and bounds of the community that is to be incorporated.
 - ii. The petition must state that the petition signers desire for the community to become incorporated as a city or town.
 - iii. Allows members of the public to request modifications to the metes and bounds of the community by presenting alternatives to the petitioners.
 - b) Submit a copy of the petition to the county recorder or elections department not less than 60 days after publishing the notice; and
 - c) Submit a copy of the notice that was published. (Sec. 1)

4. Directs the board to authorize the circulation of the petition no later than the next regularly scheduled board meeting after the submission of the proper and legal petition but within 30 days after submission. (Sec. 1)
5. Maintains that petitioners have 180 days after the date of the meeting at which the circulation of the petition is approved to obtain the required number of signatures. (Sec. 1)
6. Allows metes and bounds to be described by roads that make up the boundaries of the community. (Sec. 1)
7. Repeals statute relating to the annexation of territory within certain time periods to declare an urbanized area to exist. (Sec. 2)
8. Specifies that territory within an urbanized area must not be incorporated unless:
 - a) Before the petitioners obtain signatures, the petitioners for incorporation submit to the board a resolution causing the urbanized area to exist approving the proposed incorporation; or
 - b) Before the petitioners obtain signatures, the petitioners for incorporation submit to the board an affidavit stating that a proper and legal petition has been presented to the city or town. (Sec. 2)
9. Removes statute relating to the ability of the board to take action on an incorporation petition without a city or town adopted resolution causing the urbanized area to exist. (Sec. 2)
10. Requires petitioners to do the following before obtaining signatures:
 - a) Notify the principals of all planned community associations located within the boundaries of the proposed incorporation;
 - b) Submit the declarants' written permission to the county recorder or elections department; and
 - c) Submit a list of planned community associations that have been notified to the county recorder or elections department. The list must include:
 - i. The name of the owner or developer of the property or subdivision within the boundaries of the proposed incorporation;
 - ii. The mailing address of the owner or developer of the property or subdivision within the boundaries of the proposed incorporation; and
 - iii. The date the owner or developer of the property or subdivision within the boundaries of the proposed incorporation was notified by the petitioners about the proposed incorporation. (Sec. 2)
11. Makes technical and conforming changes. (Sec. 1, 2)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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